

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

MARKEITH A. HUNTER,

Petitioner,

V.

DIRECTOR OF THE DEPT. OF
CORRECTIONS,

Respondent.

Civil Action No. 3:21CV132–HEH

MEMORANDUM OPINION
(Dismissing Successive § 2254 Petition)

Petitioner, a Virginia prisoner proceeding *pro se*, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his convictions in the Circuit Court of King George County of manufacturing a Schedule I/II controlled substance. On May 11, 2020, the Court previously denied a 28 U.S.C. § 2254 petition filed by Petitioner challenging these convictions. *Hunter v. Director of the Dep't. of Corr.*, No.3:19CV656–HEH, 2020 WL 2374229, at *1–14 (E.D. Va. 2020).


The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of the district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and sentences by establishing a “gatekeeping mechanism.” *Felker v. Turpin*, 518 U.S. 651, 657 (1996) (internal quotation marks omitted). Specifically, “[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move

in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A).

The Court has not received authorization from the United States Court of Appeals for the Fourth Circuit to file the present § 2254 petition. Therefore, the action will be dismissed without prejudice for want of jurisdiction. A certificate of appealability will be denied.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: March 19, 2021
Richmond, Virginia


_____/s/
Henry E. Hudson
Senior United States District Judge